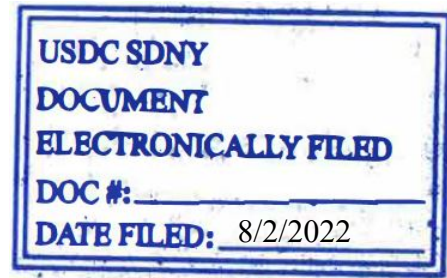


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



WESTERN WATERPROOFING COMPANY,
INC. D/B/A WESTERN SPECIALTY
CONTRACTORS,

Plaintiff,

v.

No. 20-cv-3199 (CM)

ZURICH AMERICAN INSURANCE
COMPANY, ALLIED WORLD SPECIALTY
INSURANCE COMPANY, ALLIED WORLD
ASSURANCE COMPANY (U.S.) INC., BDG
GOTHAM RESIDENTIAL, LLC, and ZDG,
LLC,

Defendants,

and

STARR INDEMNITY & LIABILITY
COMPANY, NAVIGATORS INSURANCE
COMPANY, PHILADELPHIA INDEMNITY
INSURANCE COMPANY and MARKEL
AMERICAN INSURANCE COMPANY,

Intervening Defendants.

BDG GOTHAM RESIDENTIAL, LLC
and ZDG, LLC,

Counterclaim Plaintiffs,

v.

WESTERN WATERPROOFING COMPANY,
INC. d/b/a WESTERN SPECIALTY
CONTRACTORS,

Counterclaim Defendant.

ORDER

McMahon, J.:

The Excess Insurers' motion to dismiss the crossclaims (Dkt. No. 194) is placed on the Court's suspense calendar pending the First Department's adjudication of the Excess Insurers' appeal of Justice Engoron's May 10, 2022, decision in *Starr Indemnity & Liability Company, et al. v Zurich American Insurance Company*, Index No. 656346/2020 (N.Y. Sup. Ct. New York Cnty.).

The Excess Insurers are directed to notify the Court by letter filed on the ECF when the First Department's decision issues.

Dated: August 2, 2022

A handwritten signature in black ink, appearing to read "Peter M. McMahon", written over a horizontal line.

U.S.D.J.

BY ECF TO ALL COUNSEL